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US EPA RECORDS CENTER REGION 5



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January 29, 2015

U.S. Environmental Protection Agency
Attn: Leslie Patterson, Remedial Project Manager
77 West Jackson Boulevard (SR-6J)
Chicago, IL 60604-3590

Re: EPA Special Notice Letter, South Dayton Dump & Landfill Site in Moraine, Ohio

Dear Ms. Patterson:

On behalf of Cargill, Incorporated ("Cargill"), I am responding to the Special Notice Letter from Joan Tanaka dated January 16, 2015. Ms. Tanaka's letter invites Cargill and other companies to negotiate an agreement to perform a Remedial Investigation/Feasibility Study ("RI/FS") for the South Dayton Dump & Landfill Site ("SDDL").


On January 31, 2003, Cargill responded to an EPA Section 104(e) request for information about SDDL. In response to that information request, Cargill conducted a thorough investigation of the information in its possession, including its waste disposal records. Cargill found no evidence that any of its waste had been delivered to SDDL, and communicated that fact to EPA.

Subsequently, Cargill has been a defendant in two lawsuits filed by three companies that have conducted an RI/FS for the site. While defending these lawsuits, Cargill has again investigated its potential liability for response actions at SDDL and has found no evidence of liability. Consequently, Cargill filed motions for summary judgment in both lawsuits asking the Court to dismiss Cargill from the cases on the grounds that no hazardous substances from Cargill were delivered to SDDL. While the court dismissed the first lawsuit on other grounds, Cargill's summary judgment motion is pending in the second lawsuit.

Based on our extensive internal investigation and discovery in the lawsuits, we do not believe that Cargill is a responsible party for SDDL. Accordingly, we respectfully decline to participate in the response actions for that site. If you have evidence of potential Cargill liability that may not have been brought to our attention, we are open to further discussion with you on this matter.

I will serve as Cargill's contact person for any future communications about SDDL. If you have any questions or comments, please contact me.

Best regards,



Jack A. Van Kley

cc: Gina Young, Cargill, Incorporated
Tom Nash, EPA Region 5